THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HON'BLE SRI JUSTICE D.APPA RAO

WRIT APPEAL NO.453 OF 2006

Date: 26-04-2006

Between:

E.Ramu …Appellant

And

The A.P.State Road Transport Corporation

And others

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HON'BLE SRI JUSTICE D.APPA RAO

WRIT APPEAL NO.453 OF 2006

J U D G M E N T ***(Per the Hon'ble Sri B.Prakash Rao, J):***

Heard both sides and at their request, the main appeal itself is taken up for disposal.

In this appeal, the appellant-writ petitioner seeks to assail the order rejecting the stay application filed by him in the writ petition, which has been filed, *inter alia,* seeking a *Mandamus* against the order of removal from service on the allegation of production of bogus driving licence.

Though, it has been contended by learned counsel for the appellant that he has material to show that the licence produced by him is quite genuine and that it is also certified by the authorities concerned, however it is to be noted that during the course of enquiry pending against the appellant, it was found that the licence was not a genuine one. Therefore, the learned Single Judge, *prima facie*, having considered the rival submissions made by both sides, did not find in favour of the appellant in exercise of powers under Article 226 of the Constitution of India and declined to suspend the order impugned in the writ petition holding that the said order was passed, after conducing necessary enquiry, on the allegation of production of a false driving licence while acquiring the job. Hence, the same cannot be interfered with by this Court. The Writ Appeal is accordingly dismissed. However, having regard to the submissions and especially the material, which is now sought to be placed reliance, we deem it appropriate that the writ petition can as well be disposed of early. Office is directed to post the writ petition itself for final hearing subject to part heard on 10th July, 2006 before the regular Court. In the meantime, the respondents herein to file counter-affidavit.

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(B.PRAKASH RAO,J)

Dated 26th April, 2006

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(D.APPA RAO,J)

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